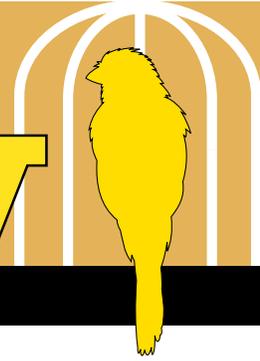


# THE **canary**

SPRING 2014



NEWS **DANGEROUS WORK**

# You still have the right to refuse dangerous work

30 years after CUPE's national health and safety committee first proposed the Day of Mourning, workers are seeing some significant setbacks.

The most blatant assault is happening in the federal sector. As reported in the last issue of Canary, omnibus budget Bill C-4 – recently passed by the Harper government – reduced workers protections and changed the definition of danger to make refusing dangerous work confusing for workers.

CUPE has heard reports of employers telling workers that they no longer have the right to refuse as

a result of the new legislation. This is both factually wrong and dangerous. **All workers, regardless of their jurisdiction, still have the right to refuse dangerous work.**

Among other changes, the words “imminent or serious threat” were added to the definition of danger, which implies that workers are not entitled to protection from hazards that could cause them illness in the future.

It is still unclear whether the new definition of danger will lead to a modified interpretation of the right to refuse by health and safety *continued, page2*

## 30<sup>th</sup> Anniversary

Day of Mourning  
for workers  
killed or injured  
on the job

April 28



**In 2013 the following CUPE members were killed at work.**

Normand Gauthier, age 53  
CUPE 4239, Quebec

Claude Picard, age 48  
CUPE 1500, Quebec

Tara Lynn Veri, age 38  
CUPE 1766, Ontario

Laurie-Ève Cormier, age 21  
CUPE 306, Quebec

**We mourn their loss, and we rededicate ourselves to building safer, healthier workplaces for all.**

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## Dangerous work

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# Telling workers they no longer have the right to refuse is wrong

inspectors or the Minister of Labour. The government maintains that this new definition does not reduce worker's rights, but some employers are obviously interpreting the changes to the legislation differently.

Regardless of the finer points of legal interpretation, the law still allows workers to refuse dangerous work. Workers ought to remember one simple standard to assess a potentially dangerous situation: **if you don't feel safe performing a task, you should not perform it until your concerns have been addressed.**

"We're just appalled that the Harper government finds it

acceptable to create confusion around something as basic as workplace health and safety," said CUPE National President Paul Moist.

"There is absolutely no good reason to impose these changes. And for us to receive these reports as we mark the 30th anniversary of the Day of Mourning just adds insult to injury."

It was CUPE's National Health and Safety Committee that, in 1984, first proposed the Day of Mourning. Since then, on April 28, CUPE members and workers around the world pause to remember those that have been injured, made ill, or killed because they went to work.

Every year, CUPE locals and divisions organize memorial events across the country to honour those workers and to strengthen their resolve to fight for the living.

In 2012, the most recent figures available, there were 977 reported workplace related deaths in Canada. This number only represents those accepted by various workers compensation boards across the nation and generally do not reflect many illnesses contracted as a result of workplace exposure to hazardous materials. The real number is certainly much higher.

■ **Wes Payne and Troy Winters**

## HEALTH AND SAFETY **DOMESTIC VIOLENCE**

# Can work be safe when home isn't? Fill out this important survey



Help us learn more about the impact of domestic violence in the workplace by filling out a 10-30 minute, anonymous online research survey at: [fluidsurveys.com/s/DVatWork](http://fluidsurveys.com/s/DVatWork)

You are eligible to participate in this research study whether or not you have personally experienced or witnessed domestic violence, as long as you are 15 years of age or older.

The Canary, CUPE's health and safety newsletter, is published four times a year. Canaries were once used in mines to warn mineworkers about changes in air quality. Since then, the canary has become a symbol of workplace safety, and an important reminder of dangerous working conditions. For more information on the importance of the symbol, check out [cupe.ca/canary](http://cupe.ca/canary).

Editors: Wes Payne and Troy Winters

Please email Troy Winters at [health\\_safety@cupe.ca](mailto:health_safety@cupe.ca) with corrections, questions or suggestions.

Find past issues online at [cupe.ca/canary](http://cupe.ca/canary)

Subscribe to the email edition at [cupe.ca/subscribe](http://cupe.ca/subscribe)

**CUPE** Canadian Union  
of Public Employees

COPE 491

## Changes to health and safety enforcement rules in Saskatchewan, Alberta

Provincial governments in Alberta and Saskatchewan have recently changed the way inspectors can enforce health and safety laws and regulations in their respective provinces. The new programs, known as summary offence tickets (SOTs) in Saskatchewan and ticketing and administrative penalties (TAPS) in Alberta, are both designed to increase compliance with health and safety laws and regulations.

The new rules are similar to those already in place in Ontario, B.C., Manitoba, Nova Scotia and Newfoundland and Labrador. Other

provinces do not currently have a ticketing system in place.

In Saskatchewan, health and safety inspectors will issue tickets. Regulations released in December will add 12 summary offences for which a ticket may be handed out on site. Enforcement of the laws will start July 1. There is only one offence aimed at workers; failing to use provided personal protective equipment will draw a \$250 fine, however CUPE members who have supervisory roles may also be ticketed under the supervisory requirements. Most other offences are for employers and have a \$1,000 price tag. Full details can be found at [saskatchewan.ca/sot](http://saskatchewan.ca/sot)

The provincial government claims that SOTs will deter stakeholders from not following OHS laws, and will help keep the working population in the province healthy and safe. However Dolores Douglas, CUPE Saskatchewan vice president and co-chair of the National Health and Safety Committee points out that “these \$600 or \$1,000 fines may hurt small businesses, so they may comply because of the threat, but it will do little to deter larger business that can still save money by not complying, and pay the fine only if they get caught.”

Instead, Douglas offered potential solutions: “What we really need are more inspectors doing more inspections, and more stop work orders written to employers who are breaking the law. With this approach, inspectors could help force employers to comply by removing hazards at

the source, instead of penalizing after the fact.”

In Alberta, inspectors now also have the power to use significant administrative penalties against individuals who show a history of disregard for health and safety laws, or who have actively worked to circumvent the laws. Individuals could be workers, contractors, suppliers, prime contractors or employers. Administrative penalties can be as high as \$10,000 per violation per day. Inspecting officers can only recommend that an administrative penalty be applied. The Occupational Health and Safety Division will make the final decision. The penalties will be appealable to the OHS council.

Alberta OHS officers can also hand out spot tickets for violations of laws and regulations. Fines can range from \$100 to \$500. Of the 67 fine provisions, 29 are designed to be punitive to workers, and range from \$100 to \$200 per infraction. Instead of an appeal, people wishing to challenge a spot ticket can schedule a court date, similar to the process of fighting a parking ticket. The full list of ticketable offences can be found at [work.alberta.ca](http://work.alberta.ca)

■ **Troy Winters**

Upon completion of the survey, you have the option to enter a draw for a tablet computer.

This research survey is a partnership of the Canadian Labour Congress and research experts at the University of Western Ontario and is the first ever Canadian national survey on this issue.

CUPE supports this survey, and encourages all workers to take the time to complete it. Australian unions used results from a similar survey to bargain domestic violence workplace benefits for one million workers, including paid leave, protection from adverse action, and flexible work arrangements.

■ **CUPE Equality**



## Bed bugs

Bed bugs are small, wingless insects—about the size of an apple seed—with oval-shaped bodies. They feed on human blood, typically at night when people are asleep. Workers who need to enter homes, like home care workers, paramedics or public health inspectors, are at especially high risk of exposure, along with those who travel frequently for work, and those who work in hospitals, nursing homes, shelters, municipal buildings and schools.

### What are the effects of bed bugs?

Some people do not react at all to the bites, while others may have small skin reactions. In rare cases, some people can have severe allergic reactions. Current scientific evidence suggests that bed bugs do not transmit diseases.

There can also be negative social consequences associated with bed bugs. Stigmatization, physiological distress, sleep disturbances, anxiety, depression and isolation can all occur due to a perception that people whose dwellings have been infested are unclean.

### How to check for bed bugs

Check for live bed bugs or their shells in the following areas:

- Behind headboards and around cracks and crevices of the bed and baseboards.
- In the seams and tufts of mattresses.
- Inside the box spring and along the bed frame.
- In and around nightstands or other bedside furniture.
- Wheelchairs and stretchers.

### How to deal with bed bug infestations in the workplace

- Staff should be **trained** to identify signs of bed bugs, where to look for them, how infestations spread, and how employees should respond to a possible infestation.
- Develop a written “**bed bug action plan**” and ensure all staff members are trained.
- Keep records of infestations to track trends in intensity, location, time of year, etc.
- If an area is suspected of being infested, use **personal protective equipment** such as coveralls, disposable shoe covers and gloves where appropriate.
- If you think you may have been exposed to bed bugs in the workplace, **inspect your clothing** and equipment before leaving and change into fresh, unexposed clothing.
- Ensure **procedures are in place** and equipment is on hand to clean potentially infested clothing and other items.
- If your occupation puts you at a higher risk of exposure, you should **incorporate bargaining language** related to the prevention and treatment.

### What can you do if you find bed bugs in your home?

If you find bed bugs in your home, your local Public Health Unit, landlord, building manager, healthcare provider or a pest control professional can help address the situation.

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**FIND THE FULL BED BUGS FACT SHEET**  
at [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety)

**CHECK OUT OUR WEBSITE!** [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety)

• more information on workplace health and safety issues • fact sheets and guidelines on a wide range of topics • the latest health and safety news AND MORE